

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DECLARATION OF WILLIAM L. SMITH IN
SUPPORT OF PLAINTIFF'S MOTION TO
STRIKE UBER'S JANUARY 6 CLAWBACK
NOTICE AND TO PROHIBIT FUTURE
CLAWBACKS**

This Document Relates to:

Jaylynn Dean v. Uber Techs., Inc.,
N.D. Cal. No. 23-cv-06708
D. Ariz. No. 25-cv-4276

Judge: Honorable Charles R. Breyer
Courtroom: 6 –17th Floor

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX DIVISION

JAYLYNN DEAN,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., et al.,

Defendants.

No. 25-cv-4276-PHX-CRB

Judge: Honorable Charles R. Breyer
Ctrm.: 501

1 I, WILLIAM L SMITH, declare:

2 1. I am an attorney in the law firm of Anapol Weiss, appointed to the Plaintiffs'
3 Steering Committee in the above-captioned Multi-District Litigation. I am a member of the State
4 Bar of California and am admitted to practice before this Court. I make this declaration based on
5 my own personal knowledge. If called upon to testify, I could and would testify competently to
6 the truth of the matters stated herein.

7 2. I submit this declaration in support of Plaintiff's Motion to Strike Clawback
8 Notice.

9 3. On the evening of Friday, January 2, 2026, counsel for Defendants Uber
10 Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC served a notice of clawback pursuant to
11 Pretrial Order No. 14 (ECF 396), purporting to claw back 46 documents that Defendants claim
12 were inadvertently produced. A true and correct copy of the January 2, 2026 Clawback Notice is
13 attached hereto as **Exhibit 1**.

14 4. Jury selection in this matter is scheduled to begin on January 8, 2026 with opening
15 statements occurring on January 13.

16 5. Prior to serving the January 2, 2026 Clawback Notice, Defendants had not asserted
17 privilege over the documents at issue. Many of these documents were used as exhibits at
18 depositions, during which Defendants' counsel was present, reviewed the exhibits, and raised no
19 privilege objection or clawback request. In addition, Defendants stipulated that certain of the
20 documents were authentic business records for purposes of trial, and two of the documents appear
21 on Defendants' own trial exhibit list.

22 6. On January 6, 2026, just two days before jury selection, Defendants served a
23 second notice of clawback pursuant to Pretrial Order No. 14, purporting to claw back an
24 additional eight documents. A true and correct copy of the January 6, 2026 Clawback Notice is
25 attached hereto as **Exhibit 2**.

26 7. Defendants served the January 6, 2026 Clawback Notice the same day they filed
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1 their opposition to Plaintiff's Motion to Strike the January 2, 2026 Clawback Notice. In that
2 opposition, Defendants characterized Plaintiff's concerns about ongoing clawbacks as "pure
3 speculation" and "abstract concerns." ECF 4928 at 4-5.

4 8. Two of the documents in the January 6, 2026 Clawback Notice
5 (UBER_JCCP_MDL_005453872 and UBER_JCCP_MDL_003610881) had previously been
6 reviewed for privilege, logged on Defendants' privilege log, and produced with redactions.

7 9. Document UBER_JCCP_MDL_000908314 was used as an exhibit at the
8 deposition of Valerie Shuping on April 18, 2025. The final transcript was issued on April 28,
9 2025. Under paragraph 10 of PTO 14, any clawback of that document was required within twenty
10 days of receipt of the final transcript (May 18, 2025). Defendants' January 6, 2026 Clawback
11 Notice is 253 days late.

12 10. Plaintiff served deposition designations on December 19, 2025 and supplemental
13 designations on January 5, 2026. Multiple documents in the January 6, 2026 Clawback Notice
14 relate to S-RAD, a subject addressed in Plaintiff's deposition designations.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th
16 day of January, 2026 in LOS ANGELES, CALIFORNIA.

17 /s/ William L. Smith
18 William L. Smith
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